

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Tracy Lynn Dudley

Case No. 06-81166

Chapter 13

Soc. Sec. No.: xxx-xx-3169

Address: 701 Larchwood Drive, Durham, NC 27713

Debtor

MOTION FOR AUTHORITY TO MODIFY CURRENT MORTGAGE

NOW COMES the Debtor, by and through the undersigned attorney, pursuant to Sections 1303 and 363 of the Bankruptcy Code, requesting permission to Modify Current Mortgage, and also requesting approval of an attorney fee, and in support thereof, shows unto the Court as follows:

1. Debtor has filed a petition for relief in bankruptcy under Chapter 13 of the United States Code on September 13, 2006.
2. The Debtor is the owner of certain real property (hereinafter referred to as "said property") located in Durham County in the State of North Carolina and more commonly known as 701 Larchwood Drive, Durham, NC 27713.
3. Debtor has been offered a Home Affordable Modification Trial Period Plan by Saxon Mortgage Services Inc., servicer for Wells Fargo Bank, N.A., as Trustee for first Franklin Mortgage Loan Trust 2004-FFH3. Upon Debtor's successful completion of the 3 month trial period, Debtor would be eligible for a permanent Home Affordable Modification.
4. The current monthly mortgage payment being paid through the plan is \$1193.53, which includes monthly arrearage payments of \$140.00.
5. Under the proposed Home Affordable Modification Trial Period Plan, the projected monthly payment of the Debtor's mortgage is projected to be \$818.99 per month. Upon Debtor's successful completion of the 3 month trial period, Debtor's monthly payment would remain at \$818.99 for the duration of the loan.
6. It is therefore in the best interest of the bankruptcy estate to allow the Debtor to enter into the Home Affordable Modification Trial Period Plan and subsequent permanent Home Affordable Modification.
7. That \$350.00 is the reasonable value of the services provided and to be provided by the undersigned attorney for counseling the Debtor concerning the proposed trial modification and

subsequent permanent modification, gathering information necessary to draft this application, extra follow-up to make sure that the ensuing order is obtained and transmitted to the mortgage lender in a timely fashion to avoid delaying unnecessarily the projected closing of title. It is anticipated, based on many past experiences, that it will take at least 4 hours of attorney time to attend to said details.

WHEREFORE, the Debtor respectfully prays that the Court allow the debtor to enter into said trial modification and subsequent permanent modification, approve and direct payment of the attorney fee through the Debtor's Chapter 13 plan, and grant such other and further relief as to this Court seems just and proper.

Dated: July 27, 2009

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz

Edward Boltz

N.C. State Bar No.:23003

1738-D Hillandale Rd.

Durham, N.C. 27705

(919) 286-1695

(refimd.wpt rev. 10/8/07)